

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
Davies Collison Cave
Level 15
1 Nicholson Street
MELBOURNE VIC 3000

PCT NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

EJH

Resp due 22/3/04

Date of mailing
(day/month/year) 22 JAN 2004

Applicant's or agent's file reference
12322720/EJH

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/AU2003/001111

International filing date
29 August 2003

Applicant

INTERNATIONAL FLOWER DEVELOPMENTS PTY. LTD. et al

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after 18 months from the priority date, the international application will be published by the International Bureau.

If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later);

otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/AU

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JAMIE TURNER

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PATENT COOPERATION TREATY
PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 12322720/EJH	<div style="display: flex; justify-content: space-between;"><div>FOR FURTHER ACTION</div><div>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</div></div>
International application No. PCT/AU2003/001111	<div style="display: flex; justify-content: space-between;"><div>International filing date (<i>day/month/year</i>) 29 August 2003</div><div>(Earliest) Priority Date (<i>day/month/year</i>) 30 August 2002</div></div>
Applicant INTERNATIONAL FLOWER DEVELOPMENTS PTY. LTD. et al	

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.


☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (See Box II).

4. With regard to the title, ☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

Flavonoid 3',5' Hydroxylase gene sequences and uses therefor 

5. With regard to the abstract, ☒ the text is approved as submitted by the applicant

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure

☐ because this figure better characterizes the invention

☒ None of the figures

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU2003/001111

A. CLASSIFICATION OF SUBJECT MATTERInt. Cl. ⁷: C12N 15/53

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

See "electronic data base" box below

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

See "electronic data base" box below

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

CA, WPIDS: flavonoid 3',5' hydroxylase; DGENE (blast) : SEQ ID NO: 5, 10, 12, 14, 16, 18, 21, 27, 30, 32

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 632 128 A1 (KYOWA HAKKO KOGYO CO., LTD.) 4 January 1995 See Claim 1; pages 43-46 [shares 68% identity with SEQ ID NO: 12; 66% with SEQ ID NO: 14; 65% with SEQ ID NO 16; 58% with SEQ ID NO: 21]	1-86, 89-92
X	EP 0 522 880 B1 (INTERNATIONAL FLOWER DEVELOPMENTS PTY. LTD.) 21 March 2001 See Fig. 10 [shares 69% identity with SEQ ID NO: 12; 66% with SEQ ID NO: 14; 58% with SEQ ID NO: 21, 73% with SEQ ID NO: 27, 64% with SEQ ID NO: 32]; Fig 9 [shares 65% with SEQ ID NO: 16]	1-86, 89-92
X	WO 2000009720 (INTERNATIONAL FLOWER DEVELOPMENTS PTY. LTD.) 24 February 2000 Specification	1-6, 11, 29-32, 35, 40, 45, 49, 57-82, 89-92

☒ Further documents are listed in the continuation of Box C☒ See patent family annex

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

8 January 2004

Date of mailing of the international search report

22 JAN 2004

Name and mailing address of the ISA/AU

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INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU2003/001111

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 1996036716 A1 (INTERNATIONAL FLOWER DEVELOPMENTS PTY. LTD.) 21 November 1996 Specification	1-6, 11, 29-32, 35, 40, 45, 49, 57-82, 89-92
X	WO 1993020206 A1 (INTERNATIONAL FLOWER DEVELOPMENTS PTY. LTD.) 14 October 1993 See Fig 3A-D [shares 68% identity with SEQ ID NO: 12; 67% with SEQ ID NO: 14; 65% with SEQ ID NO: 16; 58% with SEQ ID NO: 21; 72% with SEQ ID NO: 27; 63% with SEQ ID NO: 32]	1-86, 89-92

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/AU2003/001111

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report				Patent Family Member			
EP	0632128	AU	29560/92	CA	2130800	CA	2365599
		US	6114601	US	6232109	US	2002100072
		WO	9318155				
EP	0522880	AU	19530/92	AU	22733/92	AU	67895/94
		CA	2112373	CA	2163220	CN	1071456
		CN	1127015	EP	0703982	IE	922272
		JP	2000023686	NZ	243500	NZ	266401
		PL	298239	PL	311691	SG	45175
		SG	45187	US	5349125	US	5569832
		US	5861487	US	5948955	WO	9301290
		WO	9428140	ZA	9205180		
WO	0009720	AU	53815/99				
WO	9636716	AU	56396/96	CA	2202668	EP	0873410
		HU	9802555	NZ	307119	US	6080920
WO	9320206	AU	37413/93	CA	2132961	EP	0640136
		NZ	249808	US	5639870		
END OF ANNEX							